

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) CR. NO. 04-10232-RWZ
)
JAMES MACHADO,)
 Defendant.)

GOVERNMENT'S MOTION FOR HEARING
ON GOVERNMENT'S MOTION FOR RECONSIDERATION
OF COURT ORDER GRANTING THE DEFENDANT'S
MOTION TO DISMISS INFORMATIONS

The United States of America, by and through its attorneys Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Glenn A. MacKinlay, Assistant U.S. Attorney, hereby moves for a hearing on the government's motion for reconsideration of the court order granting defendant James Machado's motion to dismiss informations. As reasons therefore, the government states as follows:

1. On September 24, 2005, the defendant filed a motion to dismiss informations and accompanying memorandum of law.
2. On October 11, 2005, the government filed opposition to the defendant's motion to dismiss informations.
3. On November 3, 2005, the District Court, Zobel, J., issued its memorandum of decision and entered an order

granting the defendant's motion to dismiss. Judge Zobel entered judgment as to defendant dismissing counts 1 and 2 on the same date.

4. On November 9, 2005, the government filed a motion for reconsideration of court order granting the defendant's motion to dismiss informations.
5. On November 11, 2005, the defendant filed a memorandum in opposition to the government's motion for reconsideration of court order granting the defendant's motion to dismiss informations.
6. The government hereby moves for a hearing on its motion for reconsideration of the court order granting the defendant's motion to dismiss informations.

Wherefore, the government respectfully requests that the Court schedule a hearing on the government's motion for reconsideration of the court order granting the defendant's motion to dismiss informations.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/ Glenn A. MacKinlay
GLENN A. MACKINLAY
Assistant U.S. Attorney

DATED: February 27, 2006

CERTIFICATE OF SERVICE

A copy of the foregoing was this day sent by first class mail, postage prepaid, to Daniel W. O'Malley, counsel for James Machado and by efileing.

s/ Glenn A. MacKinlay
GLENN A. MACKINLAY
Assistant U.S. Attorney

Dated: February 27, 2006